



# WATER BOARDS' DRAFT TRIBAL CONSULTATION POLICY

SACRAMENTO – CALEPA COASTAL HEARING ROOM

NOVEMBER 15TH 2018

STATE WATER RESOURCES CONTROL BOARD  
REGIONAL WATER QUALITY CONTROL BOARDS



**WEBCAST PARTICIPANTS – PLEASE EMAIL  
COMMENTS, QUESTIONS TO THE  
FOLLOWING ADDRESS**

**[COASTALRM@CALEPA.CA.GOV](mailto:COASTALRM@CALEPA.CA.GOV)**

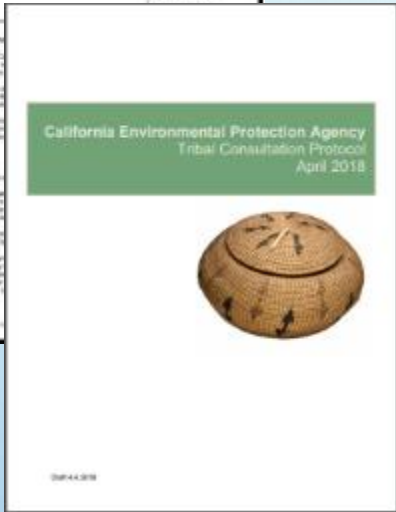
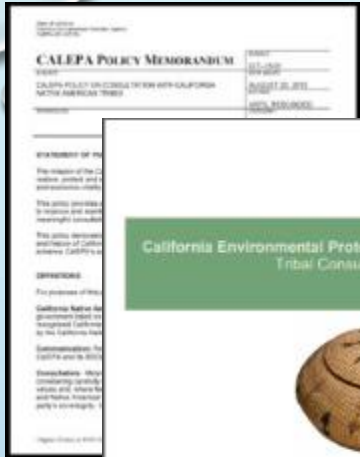


# OVERVIEW

- Overview of Water Boards
- Tribal Engagement
- Water Board draft Tribal Consultation Policy
- Comments, Questions
- OEEHA Tribal Consultation Policy Overview
- Wrap up



Tubatulabal Tribe's Spring Ceremonial Basket  
Courtesy of Tubatulabal Tribe



Governor  
Edmund G. Brown Jr.



CaIEPA

Air Resources Board  
(ARB)

Dept. of Resources  
Recycling and Recovery  
(CalRecycle)

Department of  
Pesticide Regulation  
(DPR)

Department of Toxic  
Substances Control  
(DTSC)

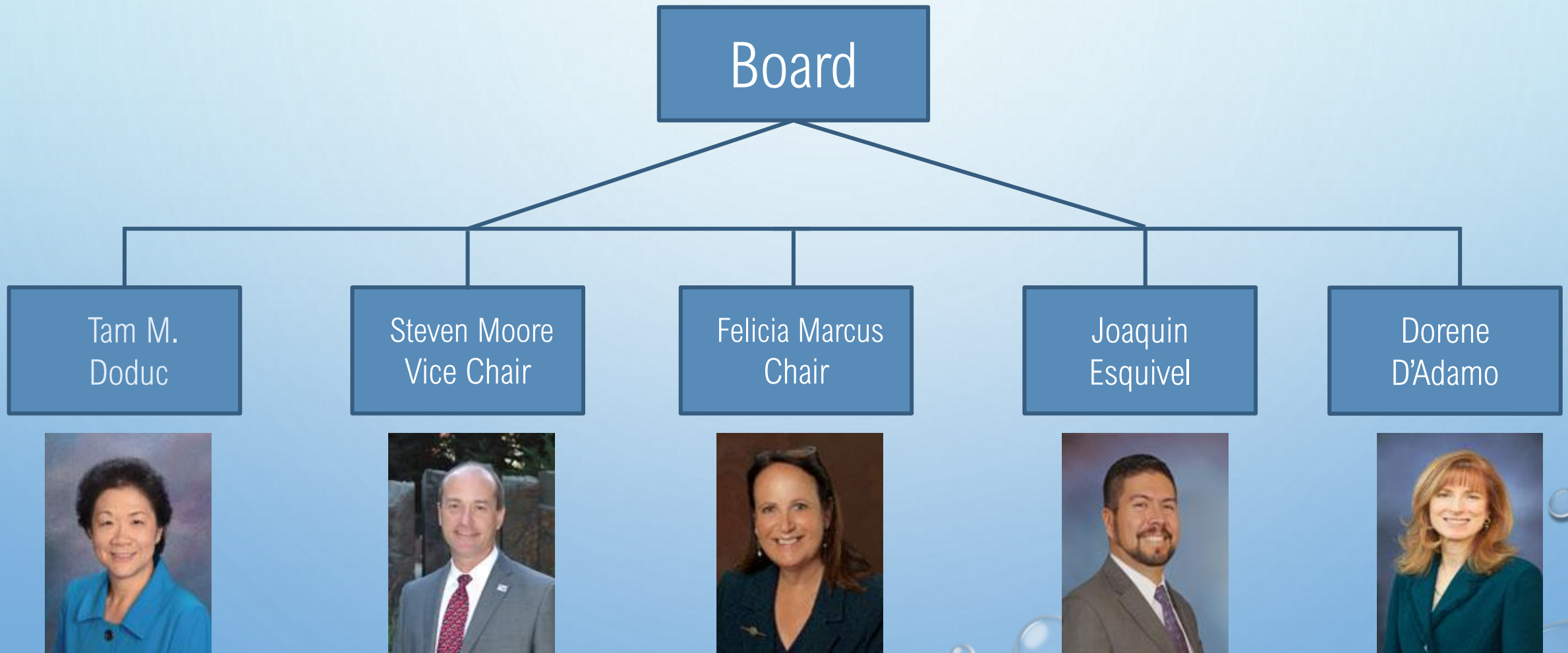
Office of Environmental  
Health Hazard Assessment  
(OEHHA)

State Water Resources  
Control Board (SWRCB)





# STATE WATER BOARD STRUCTURE





# WHO ARE THE WATER BOARDS?

- ONE STATE WATER BOARD
- NINE REGIONAL BOARDS (BASED ON MAJOR WATERSHEDS)
- ABOUT 2,000 EMPLOYEES
- CREATED IN 1967 BY THE STATE LEGISLATURE



*“Preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.”*



**WATER RIGHTS**



**FINANCIAL  
ASSISTANCE**



**DRINKING  
WATER**



**WATER  
QUALITY**



**ENFORCEMENT**



# WHAT DOES THE STATE WATER BOARD DO?

Develops statewide water quality protection plans & policies

Establishes water quality standards

Allocates surface water rights

Regulates and ensures drinking water safety

Sets drinking water regulatory standards

Coordinate with Regional Water Quality Control Boards

Implements the Federal Clean Water Act & Porter-Cologne WQ  
Control Act



# WHAT DO THE REGIONAL BOARDS DO?

Develop and enforce water quality objectives

Develop basin plans

Issue waste discharge permits

Determine compliance with requirements

Take enforcement actions against violators

Monitor water quality







# TRIBAL ENGAGEMENT

Waste Discharge Requirements (WDR)

Suction Dredge Mining

Total Maximum Daily Load (TMDLs)

Sustainable Groundwater Management Act (SGMA)

Dam Removal

Federal Energy Regulatory Commission (FERC) relicensing

Cannabis Small Irrigation Use Water Right

Cannabis Cultivation General Order

Drinking Water State Revolving Fund (DWSRF)

Beneficial Uses and Basin Plan Amendments

Statewide Policies and Plans



# PURPOSE OF WATER BOARDS' TRIBAL CONSULTATION POLICY

*Executive Order B-10-11*

*Assembly Bill 52 (Gatto, 2015)*

*CalEPA Policy on Consultation with California Native American  
Tribes (2015)*

Guide for Water Board staff to engage with California Native  
American tribes

Affirms the Water Boards continued commitment to working and  
building government-to-government relationships with tribes





# POLICY STATEMENT

Develop effective communication with all California Native American tribes

Meaningful participation and input while developing or revising the Water Boards' regulations, rules, policies, programs or plans that may impact tribes

Continue our commitment to meaningful involvement with tribes by recognizing tribal culture, history, environmental and water concerns



# POLICY GUIDING PRINCIPLES

Commit to building, strengthening and sustaining effective government-to-government relationships between the Water Boards and California Native American tribes

Understand and recognize that no one tribe speaks for another

Communicate with tribes in a manner that is considerate and respectful

Recognize and respect the cultural resources of tribes regardless of where they are located





# ACTION PLAN

Provide training to Water Board staff on cultural competency and to improve consultation efforts

Develop a supplemental guide for Water Board staff to assist in carrying out consultation with California Native American tribes

Provide training to California Native American tribes on Water Board programs, permits and policies

Assess eligibility of California Native American tribes for the Water Boards' financial assistance programs

Provide consultation update to the Tribal Liaison

Regional/ Divisional Tribal Coordinators





# CONSULTATION DISPUTE RESOLUTION

A tribal official may address concerns regarding a  
Water Board consultation or communication to the  
Tribal Liaison at

[Tribal-Liaison@Waterboards.ca.gov](mailto:Tribal-Liaison@Waterboards.ca.gov)

or to Tribal Liaison State Water Resources Control  
Board PO BOX 100, Sacramento, CA 95814



# TIMELINE

Comment Period:

October 15 – November 28

Three Workshops:

November 8; Redding, CA – Central Valley Regional Water Quality Board

November 13; Valley Center, CA – Rincon Band of Luiseno Indians Tribal Hall

November 15; Sacramento, CA (webcast available) CalEPA Headquarters



TRIBAL/OPEN  
COMMENT  
PERIOD



POLICY  
WORKSHOPS



REVIEW  
COMMENTS  
RECEIVED



BRIEF STATE  
BOARD  
MEMBERS



BOARD  
MEETING





# SUBMITTING COMMENTS

Share comments now until November 28, 2018

You can submit your written comments at  
**[Tribal-Liaison@waterboards.ca.gov](mailto:Tribal-Liaison@waterboards.ca.gov)**  
or at the below mailing address

Angela Rabe  
Environmental Scientist  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2815



Water is sacred to all people and the Water Boards are proud to work with California Native American tribes to be protectors of this critical resource together

[Tribal-Liaison@waterboards.ca.gov](mailto:Tribal-Liaison@waterboards.ca.gov)

Gita Kapahi  
Tribal Liaison

Angela Rabe  
Environmental  
Scientist

Lily Weaver  
Attorney







[Home](#) | [About Us](#) | [Public Participation](#) | [Tribal Affairs](#)

## Tribal Relations - Office of Public Participation

The State Water Resources Control Board through its Office of Public Participation (OPP) have followed Governor Brown's commitment via Executive Order B-10-11 to strengthen the State's relationship with California Native American Tribes by improving overall communication, transparency, and government-to-government engagement through AB 52 consultations, [Tribal Beneficial Uses](#) and overall relationship building. OPP also works in coordination with [CalEPA](#), [USEPA](#), the [Governor's Office of the Tribal Advisor](#), and other state agencies. A California Native American Tribe refers to either a federally-recognized California tribal government listed on the most recent notice of the [Federal Register](#) or a

 [Subscribe directly to the Tribal Matters Email List](#)

### Quick Links

- **NEW!** [Draft Tribal Consultation Policy](#)
- [Funding for Tribes](#)
- [Consultation](#)
- [Training and Resources](#)

### Contacts






For any general inquiries, questions or concerns related to Tribal Relations please reach out to the Tribal Liaison and staff at:

[Tribal-Liaison@waterboards.ca.gov](mailto:Tribal-Liaison@waterboards.ca.gov)







*Water is a precious resource in California, and maintaining its quality is of utmost importance to safeguard the health of the public and the environment.*

## Statewide Campaigns

-  [EPA Water Sense](#)
-  [Report an Environmental Concern](#)
-  [Save Our Water](#)
-  [Flex Alert](#)
-  [Register to Vote](#)

## Quick Links

-  [Board Agendas](#)
-  [Fees](#)
-  [Make a Payment](#)
-  [Help / Business Help](#)

## Resources

- [OIMA](#)
- [CEDEN](#)
- [Data & Databases](#)
- [Drought Information](#)
- [FAAST](#)
- [Language Access Complaint](#)
- [Queja de Acceso al Idioma](#)
- [My Water Quality](#)
- [Performance Report](#)
-  [Tribal Affairs](#)
- [Website Index](#)

## Working with the Board

- [Board Priorities](#)
- [Decisions Pending &](#)
- [Opportunities for Public Participation](#)
- [Employment](#)
- [Frequently Asked Questions](#)
- [Grants & Loans](#)
- [Laws / Regulations](#)
- [Plans / Policies](#)
- [Public Records Center](#)
- [Publications / Forms](#)



# Office of Environmental Health Hazard Assessment (OEHHA)



## Draft Tribal Consultation Policy

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WES SMITH, STAFF TOXICOLOGIST

NOVEMBER 2018



# OEHHA's Mission

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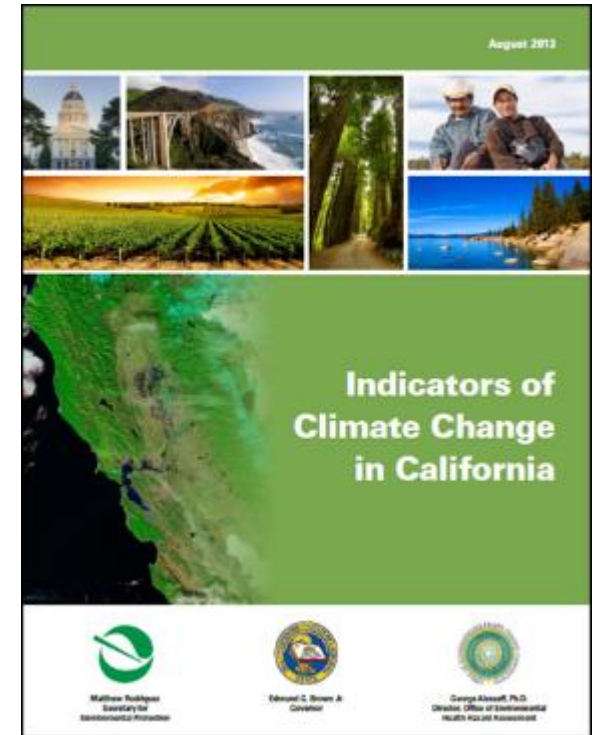
To protect and enhance the health of Californians  
and our state's environment  
through scientific evaluations that inform, support and  
guide regulatory and other actions





# A Sample of Scientific Activities within OEHHA

- Measure
  - Health and environmental effects of climate change
  - Impacts of pollution on vulnerable communities
- Assess health risks posed by chemicals, for example, those found in:
  - Air
  - Drinking water
  - Sport fish
- Support programs of other CalEPA agencies through our assessments and measurements



Climate Change Indicators Report, May 2018



# Background on OEHHA's Draft Tribal Consultation Policy

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Our draft policy is similar to CalEPA's consultation policy

- Same guiding principles, similar action plan

OEHHA programs address issues that may interest Tribes

- Sport fish consumption
- Harmful algal blooms
- Communities disproportionately impacted by pollution
- Climate change impacts

OEHHA does not act as lead agency under CEQA

- No ground-disturbing activities

VISIT our website for more: <https://oehha.ca.gov/tribal-policy>



# Draft Tribal Consultation Policy for OEHHA

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Clear Lake, California

## Action items in OEHHA's policy include:

- Training of OEHHA managers and staff for improved awareness and communication
- Taking a collaborative approach to sharing technical information
- Providing assistance when requested
- Improving outreach on issues of interest

**If consultation is requested, OEHHA will follow CalEPA's Consultation Protocol**

Submit comments on OEHHA's Draft Policy by : **December 10, 2018**



# Example of Collaborative Efforts – Fish Advisories

OEHHA develops advice on how much fish from specific water bodies can be safely eaten.

- ❖ For the Clear Lake advisory, our scientists worked with Tribal environmental professionals to identify:
  - Tribally important species for which advisories were needed
  - Fish samples that could be used to assess safety
- ❖ OEHHA developed an updated advisory (shown at right)



**A GUIDE TO EATING FISH from CLEAR LAKE (LAKE COUNTY)**

**Women (18-45 Years)**  
Children (1-17 Years)

**Women (46+ Years)**  
**Men (18+ Years)**

**7 TOTAL SERVINGS A WEEK**  
OR  
**3 TOTAL SERVINGS A WEEK**  
OR  
**1 TOTAL SERVING A WEEK**  
OR  
**0 DO NOT EAT**

**7 TOTAL SERVINGS A WEEK**  
OR  
**7 TOTAL SERVINGS A WEEK**  
OR  
**3 TOTAL SERVINGS A WEEK**  
OR  
**1 TOTAL SERVING A WEEK**

**Eat the Good Fish**  
Eating fish that are low in chemicals may provide health benefits to children and adults.

**Avoid the Bad Fish**  
Eating fish with higher levels of chemicals like mercury or PCBs may cause health problems in children and adults.

**Choose the Right Fish**  
Chemicals may be more harmful to unborn babies and children.

**Actin Clam (Corbionula)**

**Winged Floater Mussel**

**Inland Silverside**

**Threadfin Shad**

**Blackfish**

**Bullhead**

**Catfish**

**Carp**

**Crappie**

**Crayfish**

**Mosquitofish**

**Prickly Sculpin**

**Sunfish Species**

**Black Bass Species**

**\*Clear Lake Hitch removed from advisory. See note below.**

**Serving Size**  
A serving of fish is about the size and thickness of your hand. Give children smaller servings.

**For Adults**

**For Children**

**California Office of Environmental Health Hazard Assessment**  
web [www.oehha.ca.gov/fish](http://www.oehha.ca.gov/fish)  
email [fish@oehha.ca.gov](mailto:fish@oehha.ca.gov)  
phone (916) 324-7572

**Eat only the skinless fillet**

**Eat only the meat**

**\*Clear Lake Hitch:**  
No take permitted per the California Endangered Species Act.

Updated 08/2018



VISIT our website for details:  
<https://oehha.ca.gov/tribal-policy>

Send comments by December 10, 2018  
to: [Amy.Dunn@oehha.ca.gov](mailto:Amy.Dunn@oehha.ca.gov)